

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

vs.

Francisco Javier Ortega-Martinez

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1:20-cr-145-LY

ORDER

On July 7, 2020, Defendant Francisco Javier Ortega-Martinez was indicted by a grand jury in the United States District Court for the Western District of Texas on one count of reentry of a removed alien, in violation of 8 U.S.C. § 1326. Dkt. 12. His arraignment was set for July 16, 2020, by video teleconference. Dkt. 14. On the day of his scheduled arraignment, however, the Court was informed that Defendant was unavailable to appear because he was being held in isolation due to the spread of the novel coronavirus at the facility in which he is detained. His arraignment therefore was reset by fourteen (14) days, until July 30, 2020. Dkt. 15.

The president of the United States declared a national emergency due to the COVID-19 pandemic. The governor of Texas and the mayor of Austin ordered restrictions on persons' movement and interaction. Chief Judge Garcia rendered several orders regarding the emergency.¹ For the reasons set forth in the president's declaration and the governor, mayor, and chief judge's orders, the court finds that the ends of justice served by delaying further proceedings in this case outweigh the best interest of the public and the Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The court finds that the time between the previous arraignment setting of July 16,

¹ *See* Order, Amended Order, and Supplemental Orders Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 pandemic, filed March 13, March 24, April 15, May 8, June 18, and July 2, 2020, located on the home page of the website for the United States District Court for the Western District of Texas (www.txwd.uscourts.gov).

2020, and the new setting of July 30, 2020, is excludable under the Speedy Trial Act. 18 U.S.C. §§ 3161-3174.

SIGNED on July 21, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE